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Attorney for John Dee Spicer, Chapter 7 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

In re:

RAMIN RAMON SAMADI

Debtor.

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Case No. 22-40056-elm7

No hearing requested.

**CHAPTER 7 TRUSTEE'S MOTION FOR
TURNOVER OF PROPERTY OF THE ESTATE**

NOTICE

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT ROOM 204, U.S. COURTHOUSE, 501 W. TENTH STREET, FORT WORTH, TX 76102 BEFORE CLOSE OF BUSINESS ON OCTOBER 7, 2022, WHICH IS AT LEAST TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

TO THE HONORABLE EDWARD L. MORRIS, U. S. BANKRUPTCY JUDGE:

COMES NOW John Dee Spicer, Chapter 7 Trustee in the above-referenced case, and files this **Chapter 7 Trustee's Motion for Turnover of Property of the Estate** (the "**Motion for Turnover**") pursuant to sections 521, 541 and 542, as applicable, of Title 11 of the United States Code and Rule 7001¹ of the Bankruptcy Rules, relating to the turnover of certain assets set forth herein. In support of the Motion for Turnover, the Trustee respectfully represents as follows:

FACTS

1. The above-titled and numbered case (the "**Case**") was filed under Chapter 7 of the United States Bankruptcy Code, Title 11 of the U.S. Code, 11 U.S.C. §101 et seq. (the "**Bankruptcy Code**") on January 11, 2022 (the "**Petition Date**"). [DOC #1]

2. John Dee Spicer was appointed Chapter 7 Trustee (the "**Trustee**") on or about January 20, 2022². [DOC #13]

3. The Section 341 meeting of creditors has been concluded. [DOC #33]

4. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334 and 157.

5. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(1) and (2)(A) and (E).

6. Among the non-exempt assets of the bankruptcy estate (the "**Estate**") is an approximate one hundred percent (100%) interest in the Debtor's 2020 tax refund³ and an

¹ The Trustee is bringing a motion for turnover, rather than an adversary proceeding, since the compelling of the turnover of assets from the Debtor does not require an adversary proceeding under Bankruptcy Rule 7001(1).

² John Dee Spicer is the successor trustee to Behrooz P. Vida, who resigned as trustee by Notice dated January 18, 2022.

³ Estimated by the Debtor to be in the amount of \$5,000.00. [DOC #16 and #25 (Schedule B.25)]

approximate three percent (3%) interest in the Debtor's 2021 tax refund⁴ (the "**Tax Refunds**").

7. The Estate also includes cash in the estimated amount of \$2,000.00 (the "**Cash**") and bank account balances estimated at \$25.00 (the "**Savings Account**") (together, the Cash and Savings Account are referred to as the "**Financial Assets**"). [DOC ##16 and 25 (Schedule B.16 and 17)]

8. An additional non-exempt asset of the Estate includes the Debtor's interest in a closely-held entity known as Ramin R. Samadi, M.D., P.A. (the "**Professional Association**") with an approximate value of \$74,000.00⁵. [DOC #16 and #25 (Schedule B.19)]

9. The Trustee has demanded turnover of the Tax Refunds, the Financial Assets, and the value of the Professional Association (together, the "**Non-Exempt Funds**"). (See Attachment A as to the demand made on the value of the Professional Association⁶)

10. The Trustee and the Debtor have agreed to a payment structure for the Debtor to turnover the Non-Exempt Assets (the "**Agreed Order**"). (See Agreed Order as Attachment B)

11. The Trustee requests that the court approve the terms of the Agreed Order.

PRAYER

For all the foregoing reasons, the Trustee respectfully requests that the Court grant the Motion for Turnover, that the Court order that the Non-Exempt Funds be turned over to the Trustee on behalf of the Estate as set out in the Agreed Order, and for such other or further relief as it deems just and proper.

⁴ The amount of the 2022 Tax Refund attributable to that portion accruing on or before the Petition Date is property of the bankruptcy estate. [11 / 365 = 3.0%]

⁵ The Professional Association had bank deposits of approximately \$74,000.00 on the Petition Date with no liabilities.

⁶ The Trustee has requested turnover of the Tax Refunds by email.

Dated: September 16, 2022.

Respectfully submitted,

/s/ John Dee Spicer
John Dee Spicer
Chapter 7 Trustee
State Bar No. 18930500
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CERTIFICATE OF SERVICE

A separate certificate of service will be filed along with this Motion.